



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TEXAS 75202-2733

May 18, 2011

**VIA EMAIL**

Mr. Richard F. Bergner  
Attorney at Law  
Registered Agent for National Oil Recovery Corporation  
5151 San Felipe, Suite 1950  
Houston, Texas 77056  
713-783-4832 (telephone)

**Re: Falcon Refinery Superfund Site  
2725 Bishop Road, Ingleside, San Patricio County, Texas**

Dear Mr. Bergner:

This letter is intended as a preliminary response to your letter dated April 18, 2011, invoking the Dispute Resolution provisions (Article XVI, paragraphs 57-59) of the Removal AOC and your separate letter dated April 18, 2011, also, stating NORCO's objection to EPA taking over the remaining work under the RI/FS AOC and invoking the Dispute Resolution provisions (Article XX, paragraphs 65 and 66) of the RI/FS AOC.

In accordance with the signed *Agreed Order For Resumption of Removal Work at the Falcon Refinery Superfund Site*, transmitted under the cover letter dated May 4, 2011, NORCO has resumed the remaining work required under the Removal AOC. The dispute, therefore, concerning the Removal Action under the Removal AOC has been resolved. While EPA continues to maintain that the dispute resolution provisions in the RI/FS are inapplicable to the Work Takeover by EPA of the RI/FS, there may be an opportunity for NORCO to state its case concerning the Work Takeover by EPA in a meeting with Samuel Coleman, Director, Superfund Division.

It is my intent to follow up this letter with a formal response concerning the Work Takeover of the RI/FS.

Sincerely,

Gloria Moran

Gloria Moran  
Assistant Regional Counsel  
Superfund Branch